

REMARKS

In view of the following remarks, the Examiner is requested to allow Claims 23-31, 36-42, 45-51 and 54-62, the only claims pending and under examination in this application.

Claims 23, 36 and 45 are amended to clarify the claim language. No new matter is added.

Claims 32-35, 43, 44, 52 and 53 are cancelled without prejudice to renewal.

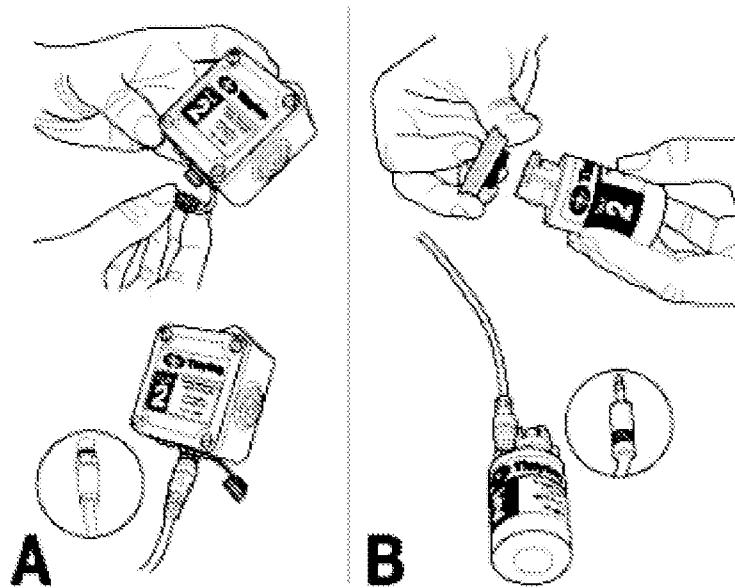
New Claims 54-62 are added. Support for these claims is found throughout the specification and claims as originally filed, for example at: page 2, lines 6-28; page 3, lines 3-8; page 6, line 28 to page 8, line 2; page 10, lines 9-23; and page 11, lines 3-12. No new matter is added.

Claim Rejections – 35 U.S.C. § 112, first paragraph

Claims 23-31, 36-42 and 45-51 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleges that “a data lead port” was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention.

The Applicant respectfully disagrees. As indicated above, the element of “a data lead port” has been amended to “a wired data connection port”. Support for the element of “a wired data connection port” is found in the specification as filed at page 7, lines 1-4, and page 7, lines 8-13. In particular, the specification refers to the Tiny Talk and Tiny Tag devices and indicates that these devices may be modified to provide desired functions. The previously submitted specification pages for the Tiny Talk device

disclose that data may be retrieved from the Tiny Talk device by connecting the device to a host computer using a cable. See Tiny Talk specification, page 2, "Managing Software (OTLM)". In addition, the enclosed how-to guide for the Tiny Tag device clearly shows users how to connect the device to a host computer using a cable. For example, slides A and B from a figure in the how-to guide are reproduced below.



Moreover, the how-to guide explains that the Ting Tag device can be connected to a host computer by following the instructions below:

- A** – Unscrew the protective cap from the socket. Insert the plug into the socket and rotate until it slots into place, then push the plug firmly into the socket.
- B** – Carefully remove the lid from the logger and plug the cable into the socket.

The Tiny Talk specification pages and the Tiny Tag how-to guide are readily available online and clearly indicate that the device of the disclosed embodiment includes a wired data connection port. Accordingly, a person of ordinary skill in the relevant art could reasonably conclude that the inventor had possession of the claimed invention at the time the application was filed. Thus, the Applicant respectfully requests that the rejection under 35 U.S.C. § 112, first paragraph, be withdrawn.

Claim Rejections – 35 U.S.C. § 102

Claims 23-31, 36-42 and 45-51 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Guice et al. (U.S. Application Publication No. 2002/0010390).

As indicated above, Claims 23, 36 and 45 have been amended to include the element of “a wired data connection port”.

In contrast, Guice discloses an automated livestock monitoring system that is based on wireless communication protocols. For instance, Guice discloses that embodiments of the disclosed system include “wireless telesensor implants containing wireless telesensors . . .; wireless receivers, transmitters, transceivers, and/or transponders”. Guice, pg. 4, ¶ [0042]. However, nowhere does Guice disclose a device with a wired data connection port.

The Examiner attempts to equate the previously claimed “data lead port” with the antenna disclosed by Guice and argues that “a ‘data lead port’ may be plainly defined as ‘a data connection for conducting or guiding factual information’. An antenna is clearly at least ‘a data connection for conducting or guiding factual information’ and is a structural equivalent of the claimed limitations.” Office Action, pg. 8, ¶ 25.

The Applicant respectfully disagrees. As set forth above, the element of “a data lead port” in Claims 23, 36 and 45 has been amended to “a wired data connection port”. The Applicant submits that “a wired data connection port” is in no way equivalent to an antenna, which is used for wireless transmission of data. As such, the Applicant submits that Guice fails to disclose every element of the Applicant’s claimed invention.

Therefore, Guice fails to anticipate the instantly claimed invention, and the Applicant respectfully requests that the 35 U.S.C. § 102(b) rejection of Claims 23-31, 36-42 and 45-51 be withdrawn.

New Claims

The Applicant respectfully submits that new claims 54-62 are allowable for at least the reasons discussed above.

CONCLUSION

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Bret Field at (650) 327-2400.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number STHP-018.

Respectfully submitted,

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Enclosure:

- Tiny Tag How-To Guide
- Request for Continued Examination

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